

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **MOHAMED I. ELYAN, M.D.**

4 Holder of License No. 44396
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-14-1271A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

7 Mohamed I. Elyan, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 44396 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-14-1271A after receiving a complaint
17 alleging that Respondent prescribed controlled substances to his wife, H.E.

18 4. Respondent first prescribed H.E. medication in 2011 due to her inability to
19 refill her medication while traveling. According to the Controlled Substance Prescription
20 Monitoring Program ("CSPMP"), Respondent prescribed H.E. Alprazolam, Hydrocodone,
21 Adderall, Ambien, Dextroamphetamine, Lamotrigine, and Loxapine.

22 5. According to information gathered during the Board's investigation,
23 Respondent continued to prescribe medications to H.E. throughout 2014, while providing
24 care sparingly from 2013 to 2014. Respondent did not generate and/or maintain a medical
25 record relating to the care he provided to H.E.

6. Throughout 2013 and 2014, H.E. saw multiple other providers who managed her medications, while she continued to receive prescriptions for controlled substances from Respondent.

7. Respondent is required to maintain adequate medical records documenting patient care for all of his patients, including H.E.

8. Respondent is prohibited from prescribing controlled substances to members of his immediate family.

9. In his response to the Board's investigation, Respondent stated that he considered his treatment of H.E. as emergency interim care, and that no records were kept as his relationship to H.E. is familial and not that of a doctor and patient.

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing or refusing to maintain adequate records on a patient.")

c. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(h) ("Prescribing or dispensing controlled substances to members of the physician's immediate family.")

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.

1 2. Respondent is placed on Probation for a period of six (6) months with the
2 following terms and conditions:

3 a. **Continuing Medical Education**

4 Respondent shall within six (6) months of the effective date of this Order
5 obtain no less than four (4) hours of Board Staff pre-approved Category I Continuing
6 Medical Education ("CME") in recognizing emergency prescribing situations. Respondent
7 shall within thirty days of the effective date of this Order submit his request for CME to the
8 Board for pre-approval. Upon completion of the CME, Respondent shall provide Board
9 staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours
10 required for the biennial renewal of medical licensure. The Probation shall terminate upon
11 Respondent's proof of successful completion of the CME.

12 b. **Obey All Laws**

13 Respondent shall obey all state, federal and local laws, all rules governing
14 the practice of medicine in Arizona, and remain in full compliance with any court ordered
15 criminal probation, payments and other orders.

16 c. **Tolling**

17 In the event Respondent should leave Arizona to reside or practice outside
18 the State or for any reason should Respondent stop practicing medicine in Arizona,
19 Respondent shall notify the Executive Director in writing within ten days of departure and
20 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
21 time exceeding thirty days during which Respondent is not engaging in the practice of
22 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
23 non-practice within Arizona, will not apply to the reduction of the probationary period.
24
25

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

DATED AND EFFECTIVE this 3rd day of June, 2016.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 9. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter.") and 32-1451.

18 10. ***Respondent has read and understands the conditions of probation.***

19 *elyan*
20 MOHAMED T. ELYAN, M.D.

DATED: 4/28/2016

21 EXECUTED COPY of the foregoing mailed
22 this 3rd day of June, 2016 to:

23 Andrew Barbour
24 Munger Chadwick
25 333 North Wilmot Road, Suite #300
Tucson, AZ 85711-2613
Attorney for Respondent

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2 ORIGINAL of the foregoing filed
3 this 3 day of June, 2016 with:

4 Arizona Medical Board
5 9545 E. Doubletree Ranch Road
6 Scottsdale, AZ 85258

7 
8 Board Staff